

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 2356, AS REPORTED**  
**OFFERED BY MR. NEY OF OHIO**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Bipartisan Campaign Finance Reform Act of 2002”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE**

Sec. 101. Soft money of political parties.

Sec. 102. Increased contribution limits for State committees of political parties  
and aggregate contribution limit for individuals.

Sec. 103. Reporting requirements.

**TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES**

Sec. 201. Definitions.

Sec. 202. Express advocacy determined without regard to background music.

Sec. 203. Civil penalty.

Sec. 204. Reporting requirements for certain independent expenditures.

Sec. 205. Independent versus coordinated expenditures by party.

Sec. 206. Coordination with candidates.

**TITLE III—DISCLOSURE**

Sec. 301. Filing of reports using computers and facsimile machines.

Sec. 302. Prohibition of deposit of contributions with incomplete contributor in-  
formation.

Sec. 303. Audits.

Sec. 304. Reporting requirements for contributions of \$50 or more.

Sec. 305. Use of candidates' names.

Sec. 306. Prohibition of false representation to solicit contributions.

Sec. 307. Soft money of persons other than political parties.

Sec. 308. Campaign advertising.

**TITLE IV—PERSONAL WEALTH OPTION**

Sec. 401. Voluntary personal funds expenditure limit.

Sec. 402. Political party committee coordinated expenditures.

## 2

## TITLE V—MISCELLANEOUS

- Sec. 501. Use of contributed amounts for certain purposes.
- Sec. 502. Prohibition of fundraising on Federal property.
- Sec. 503. Penalties for violations.
- Sec. 504. Strengthening foreign money ban.
- Sec. 505. Prohibition of contributions by minors.
- Sec. 506. Expedited procedures.
- Sec. 507. Initiation of enforcement proceeding.
- Sec. 508. Protecting equal participation of eligible voters in campaigns and elections.
- Sec. 509. Penalty for violation of prohibition against foreign contributions.
- Sec. 510. Expedited court review of certain alleged violations of Federal Election Campaign Act of 1971.
- Sec. 511. Deposit of certain contributions and donations in treasury account.
- Sec. 512. Establishment of a clearinghouse of information on political activities within the Federal Election Commission.
- Sec. 513. Clarification of right of nationals of the United States to make political contributions.

## TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

- Sec. 601. Establishment and purpose of Commission.
- Sec. 602. Membership of Commission.
- Sec. 603. Powers of Commission.
- Sec. 604. Report and recommended legislation.
- Sec. 605. Termination.
- Sec. 606. Authorization of appropriations.

## TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

- Sec. 701. Prohibiting use of white house meals and accommodations for political fundraising.

## TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

- Sec. 801. Sense of the Congress regarding applicability of controlling legal authority to fundraising on Federal government property.

## TITLE IX—REIMBURSEMENT FOR USE OF GOVERNMENT PROPERTY FOR CAMPAIGN ACTIVITY

- Sec. 901. Requiring national parties to reimburse at cost for use of Air Force One for political fundraising.
- Sec. 902. Reimbursement for use of government equipment for campaign-related travel.

## TITLE X—PROHIBITING USE OF WALKING AROUND MONEY

- Sec. 1001. Prohibiting campaigns from providing currency to individuals for purposes of encouraging turnout on date of election.

## TITLE XI—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

- Sec. 1101. Enhancing enforcement of campaign finance law.

TITLE XII—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE  
DATE; REGULATIONS

Sec. 1201. Severability.

Sec. 1202. Review of constitutional issues.

Sec. 1203. Effective date.

Sec. 1204. Regulations.

1           **TITLE I—REDUCTION OF**  
2           **SPECIAL INTEREST INFLUENCE**

3           **SEC. 101. SOFT MONEY OF POLITICAL PARTIES.**

4           Title III of the Federal Election Campaign Act of  
5           1971 (2 U.S.C. 431 et seq.) is amended by adding at the  
6           end the following new section:

7                     “SOFT MONEY OF POLITICAL PARTIES

8                     “SEC. 323. (a) NATIONAL COMMITTEES.—

9                     “(1) IN GENERAL.—A national committee of a  
10           political party (including a national congressional  
11           campaign committee of a political party) and any of-  
12           ficers or agents of such party committees, shall not  
13           solicit, receive, or direct to another person a con-  
14           tribution, donation, or transfer of funds, or spend  
15           any funds, that are not subject to the limitations,  
16           prohibitions, and reporting requirements of this Act.

17                    “(2) APPLICABILITY.—This subsection shall  
18           apply to an entity that is directly or indirectly estab-  
19           lished, financed, maintained, or controlled by a na-  
20           tional committee of a political party (including a na-  
21           tional congressional campaign committee of a polit-  
22           ical party), or an entity acting on behalf of a na-

1 tional committee, and an officer or agent acting on  
2 behalf of any such committee or entity.

3 “(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

4 “(1) IN GENERAL.—An amount that is ex-  
5 pended or disbursed by a State, district, or local  
6 committee of a political party (including an entity  
7 that is directly or indirectly established, financed,  
8 maintained, or controlled by a State, district, or  
9 local committee of a political party and an officer or  
10 agent acting on behalf of such committee or entity)  
11 for Federal election activity shall be made from  
12 funds subject to the limitations, prohibitions, and re-  
13 porting requirements of this Act.

14 “(2) FEDERAL ELECTION ACTIVITY.—

15 “(A) IN GENERAL.—The term ‘Federal  
16 election activity’ means—

17 “(i) voter registration activity during  
18 the period that begins on the date that is  
19 120 days before the date a regularly sched-  
20 uled Federal election is held and ends on  
21 the date of the election;

22 “(ii) voter identification, get-out-the-  
23 vote activity, or generic campaign activity  
24 conducted in connection with an election in  
25 which a candidate for Federal office ap-

1                    appears on the ballot (regardless of whether  
2                    a candidate for State or local office also  
3                    appears on the ballot); and

4                    “(iii) a communication that refers to a  
5                    clearly identified candidate for Federal of-  
6                    fice (regardless of whether a candidate for  
7                    State or local office is also mentioned or  
8                    identified) and is made for the purpose of  
9                    influencing a Federal election (regardless  
10                  of whether the communication is express  
11                  advocacy).

12                  “(B) EXCLUDED ACTIVITY.—The term  
13                  ‘Federal election activity’ does not include an  
14                  amount expended or disbursed by a State, dis-  
15                  trict, or local committee of a political party  
16                  for—

17                  “(i) campaign activity conducted sole-  
18                  ly on behalf of a clearly identified can-  
19                  didate for State or local office, provided  
20                  the campaign activity is not a Federal elec-  
21                  tion activity described in subparagraph  
22                  (A);

23                  “(ii) a contribution to a candidate for  
24                  State or local office, provided the contribu-  
25                  tion is not designated or used to pay for a

1 Federal election activity described in sub-  
2 paragraph (A);

3 “(iii) the costs of a State, district, or  
4 local political convention;

5 “(iv) the costs of grassroots campaign  
6 materials, including buttons, bumper stick-  
7 ers, and yard signs, that name or depict  
8 only a candidate for State or local office;

9 “(v) the non-Federal share of a State,  
10 district, or local party committee’s admin-  
11 istrative and overhead expenses (but not  
12 including the compensation in any month  
13 of an individual who spends more than 20  
14 percent of the individual’s time on Federal  
15 election activity) as determined by a regu-  
16 lation promulgated by the Commission to  
17 determine the non-Federal share of a  
18 State, district, or local party committee’s  
19 administrative and overhead expenses; and

20 “(vi) the cost of constructing or pur-  
21 chasing an office facility or equipment for  
22 a State, district or local committee.

23 “(c) FUNDRAISING COSTS.—An amount spent by a  
24 national, State, district, or local committee of a political  
25 party, by an entity that is established, financed, main-

1 tained, or controlled by a national, State, district, or local  
2 committee of a political party, or by an agent or officer  
3 of any such committee or entity, to raise funds that are  
4 used, in whole or in part, to pay the costs of a Federal  
5 election activity shall be made from funds subject to the  
6 limitations, prohibitions, and reporting requirements of  
7 this Act.

8 “(d) TAX-EXEMPT ORGANIZATIONS.—A national,  
9 State, district, or local committee of a political party (in-  
10 cluding a national congressional campaign committee of  
11 a political party), an entity that is directly or indirectly  
12 established, financed, maintained, or controlled by any  
13 such national, State, district, or local committee or its  
14 agent, and an officer or agent acting on behalf of any such  
15 party committee or entity, shall not solicit any funds for,  
16 or make or direct any donations to, an organization that  
17 is described in section 501(c) of the Internal Revenue  
18 Code of 1986 and exempt from taxation under section  
19 501(a) of such Code (or has submitted an application to  
20 the Commissioner of the Internal Revenue Service for de-  
21 termination of tax-exemption under such section).

22 “(e) CANDIDATES.—

23 “(1) IN GENERAL.—A candidate, individual  
24 holding Federal office, agent of a candidate or indi-  
25 vidual holding Federal office, or an entity directly or

1 indirectly established, financed, maintained or con-  
2 trolled by or acting on behalf of one or more can-  
3 didates or individuals holding Federal office, shall  
4 not—

5 “(A) solicit, receive, direct, transfer, or  
6 spend funds in connection with an election for  
7 Federal office, including funds for any Federal  
8 election activity, unless the funds are subject to  
9 the limitations, prohibitions, and reporting re-  
10 quirements of this Act; or

11 “(B) solicit, receive, direct, transfer, or  
12 spend funds in connection with any election  
13 other than an election for Federal office or dis-  
14 burse funds in connection with such an election  
15 unless the funds—

16 “(i) are not in excess of the amounts  
17 permitted with respect to contributions to  
18 candidates and political committees under  
19 paragraphs (1) and (2) of section 315(a);  
20 and

21 “(ii) are not from sources prohibited  
22 by this Act from making contributions with  
23 respect to an election for Federal office.

24 “(2) STATE LAW.—Paragraph (1) does not  
25 apply to the solicitation, receipt, or spending of



1 funds by an individual who is a candidate for a  
2 State or local office in connection with such election  
3 for State or local office if the solicitation, receipt, or  
4 spending of funds is permitted under State law for  
5 any activity other than a Federal election activity.

6 “(3) FUNDRAISING EVENTS.—Notwithstanding  
7 paragraph (1), a candidate may attend, speak, or be  
8 a featured guest at a fundraising event for a State,  
9 district, or local committee of a political party.”.

10 **SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE**  
11 **COMMITTEES OF POLITICAL PARTIES AND**  
12 **AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.**  
13

14 (a) CONTRIBUTION LIMIT FOR STATE COMMITTEES  
15 OF POLITICAL PARTIES.—Section 315(a)(1) of the Fed-  
16 eral Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1))  
17 is amended—

18 (1) in subparagraph (B), by striking “or” at  
19 the end;

20 (2) in subparagraph (C)—

21 (A) by inserting “(other than a committee  
22 described in subparagraph (D))” after “com-  
23 mittee”; and

24 (B) by striking the period at the end and  
25 inserting “; or”; and

1 (3) by adding at the end the following:

2 “(D) to a political committee established and  
3 maintained by a State committee of a political party  
4 in any calendar year that, in the aggregate, exceed  
5 \$10,000”.

6 (b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by  
7  
8 striking “\$25,000” and inserting “\$30,000”.

10 **SEC. 103. REPORTING REQUIREMENTS.**

11 (a) REPORTING REQUIREMENTS.—Section 304 of the  
12 Federal Election Campaign Act of 1971 (2 U.S.C. 434)  
13 (as amended by section 204) is amended by inserting after  
14 subsection (e) the following:

15 “(f) POLITICAL COMMITTEES.—

16 “(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a  
17 political party, any national congressional campaign  
18 committee of a political party, and any subordinate  
19 committee of either, shall report all receipts and dis-  
20 bursements during the reporting period.

22 “(2) OTHER POLITICAL COMMITTEES TO WHICH  
23 SECTION 323 APPLIES.—In addition to any other re-  
24 porting requirements applicable under this Act, a  
25 political committee (not described in paragraph (1))

1 to which section 323(b)(1) applies shall report all re-  
2 cepts and disbursements made for activities de-  
3 scribed in paragraphs (2)(A) and (2)(B)(v) of sec-  
4 tion 323(b).

5 “(3) ITEMIZATION.—If a political committee  
6 has receipts or disbursements to which this sub-  
7 section applies from any person aggregating in ex-  
8 cess of \$200 for any calendar year, the political  
9 committee shall separately itemize its reporting for  
10 such person in the same manner as required in para-  
11 graphs (3)(A), (5), and (6) of subsection (b).

12 “(4) REPORTING PERIODS.—Reports required  
13 to be filed under this subsection shall be filed for the  
14 same time periods required for political committees  
15 under subsection (a).”.

16 (b) BUILDING FUND EXCEPTION TO THE DEFINI-  
17 TION OF CONTRIBUTION.—Section 301(8)(B) of the Fed-  
18 eral Election Campaign Act of 1971 (2 U.S.C. 431(8)(B))  
19 is amended—

20 (1) by striking clause (viii); and

21 (2) by redesignating clauses (ix) through (xv)  
22 as clauses (viii) through (xii), respectively.

1     **TITLE II—INDEPENDENT AND**  
2     **COORDINATED EXPENDITURES**

3     **SEC. 201. DEFINITIONS.**

4         (a) DEFINITION OF INDEPENDENT EXPENDITURE.—

5     Section 301 of the Federal Election Campaign Act (2  
6     U.S.C. 431) is amended by striking paragraph (17) and  
7     inserting the following:

8             “(17) INDEPENDENT EXPENDITURE.—

9                 “(A) IN GENERAL.—The term ‘inde-  
10             pendent expenditure’ means an expenditure by  
11             a person—

12                 “(i) for a communication that is ex-  
13             press advocacy; and

14                 “(ii) that is not coordinated activity  
15             or is not provided in coordination with a  
16             candidate or a candidate’s agent or a per-  
17             son who is coordinating with a candidate  
18             or a candidate’s agent.”.

19         (b) DEFINITION OF EXPRESS ADVOCACY.—Section

20     301 of the Federal Election Campaign Act of 1971 (2  
21     U.S.C. 431) is amended by adding at the end the fol-  
22     lowing:

23             “(20) EXPRESS ADVOCACY.—

1           “(A) IN GENERAL.—The term ‘express ad-  
2           vocacy’ means a communication that advocates  
3           the election or defeat of a candidate by—

4                   “(i) containing a phrase such as ‘vote  
5                   for’, ‘re-elect’, ‘support’, ‘cast your ballot  
6                   for’, ‘(name of candidate) for Congress’,  
7                   ‘(name of candidate) in 1997’, ‘vote  
8                   against’, ‘defeat’, ‘reject’, or a campaign  
9                   slogan or words that in context can have  
10                  no reasonable meaning other than to advo-  
11                  cate the election or defeat of one or more  
12                  clearly identified candidates;

13                   “(ii) referring to one or more clearly  
14                   identified candidates in a paid advertise-  
15                   ment that is transmitted through radio or  
16                   television within 60 calendar days pre-  
17                   ceding the date of an election of the can-  
18                   didate and that appears in the State in  
19                   which the election is occurring, except that  
20                   with respect to a candidate for the office of  
21                   Vice President or President, the time pe-  
22                   riod is within 60 calendar days preceding  
23                   the date of a general election; or

24                   “(iii) expressing unmistakable and un-  
25                   ambiguous support for or opposition to one

1 or more clearly identified candidates when  
2 taken as a whole and with limited ref-  
3 erence to external events, such as prox-  
4 imity to an election.

5 “(B) VOTING RECORD AND VOTING GUIDE  
6 EXCEPTION.—The term ‘express advocacy’ does  
7 not include a communication which is in printed  
8 form or posted on the Internet that—

9 “(i) presents information solely about  
10 the voting record or position on a cam-  
11 paign issue of one or more candidates (in-  
12 cluding any statement by the sponsor of  
13 the voting record or voting guide of its  
14 agreement or disagreement with the record  
15 or position of a candidate), so long as the  
16 voting record or voting guide when taken  
17 as a whole does not express unmistakable  
18 and unambiguous support for or opposition  
19 to one or more clearly identified can-  
20 didates;

21 “(ii) is not coordinated activity or is  
22 not made in coordination with a candidate,  
23 political party, or agent of the candidate or  
24 party, or a candidate’s agent or a person  
25 who is coordinating with a candidate or a

1 candidate's agent, except that nothing in  
2 this clause may be construed to prevent  
3 the sponsor of the voting guide from di-  
4 recting questions in writing to a candidate  
5 about the candidate's position on issues for  
6 purposes of preparing a voter guide or to  
7 prevent the candidate from responding in  
8 writing to such questions; and

9 “(iii) does not contain a phrase such  
10 as ‘vote for’, ‘re-elect’, ‘support’, ‘cast your  
11 ballot for’, ‘(name of candidate) for Con-  
12 gress’, ‘(name of candidate) in (year)’,  
13 ‘vote against’, ‘defeat’, or ‘reject’, or a  
14 campaign slogan or words that in context  
15 can have no reasonable meaning other than  
16 to urge the election or defeat of one or  
17 more clearly identified candidates.”.

18 (c) DEFINITION OF EXPENDITURE.—Section  
19 301(9)(A) of the Federal Election Campaign Act of 1971  
20 (2 U.S.C. 431(9)(A)) is amended—

- 21 (1) in clause (i), by striking “and” at the end;  
22 (2) in clause (ii), by striking the period at the  
23 end and inserting “; and”; and  
24 (3) by adding at the end the following:

1           “(iii) a payment made by a political committee  
2           for a communication that—

3                   “(I) refers to a clearly identified candidate;  
4                   and

5                   “(II) is for the purpose of influencing a  
6                   Federal election (regardless of whether the com-  
7                   munication is express advocacy).”.

8   **SEC. 202. EXPRESS ADVOCACY DETERMINED WITHOUT RE-**  
9                   **GARD TO BACKGROUND MUSIC.**

10          Section 301(20) of the Federal Election Campaign  
11   Act of 1971 (2 U.S.C. 431(20)), as added by section  
12   201(b), is amended by adding at the end the following new  
13   subparagraph:

14                   “(C)   BACKGROUND   MUSIC.—In deter-  
15                   mining whether any communication by tele-  
16                   vision or radio broadcast constitutes express ad-  
17                   vocacy for purposes of this Act, there shall not  
18                   be taken into account any background music  
19                   not including lyrics used in such broadcast.”.

20   **SEC. 203. CIVIL PENALTY.**

21          Section 309 of the Federal Election Campaign Act  
22   of 1971 (2 U.S.C. 437g) is amended—

23                   (1) in subsection (a)—

24                   (A) in paragraph (4)(A)—



1 (i) in clause (i), by striking “clauses  
2 (ii)” and inserting “clauses (ii) and (iii”;  
3 and

4 (ii) by adding at the end the fol-  
5 lowing:

6 “(iii) If the Commission determines by an affirmative  
7 vote of 4 of its members that there is probable cause to  
8 believe that a person has made a knowing and willful viola-  
9 tion of section 304(c), the Commission shall not enter into  
10 a conciliation agreement under this paragraph and may  
11 institute a civil action for relief under paragraph (6)(A).”;  
12 and

13 (B) in paragraph (6)(B), by inserting “(ex-  
14 cept an action instituted in connection with a  
15 knowing and willful violation of section  
16 304(c))” after “subparagraph (A)”;  
17 (2) in subsection (d)(1)—

18 (A) in subparagraph (A), by striking “Any  
19 person” and inserting “Except as provided in  
20 subparagraph (D), any person”; and

21 (B) by adding at the end the following:

22 “(D) In the case of a knowing and willful violation  
23 of section 304(c) that involves the reporting of an inde-  
24 pendent expenditure, the violation shall not be subject to  
25 this subsection.”.

1   **SEC. 204. REPORTING REQUIREMENTS FOR CERTAIN INDE-**  
2                   **PENDENT EXPENDITURES.**

3           (a) IN GENERAL.—Section 304 of the Federal Elec-  
4   tion Campaign Act of 1971 (2 U.S.C. 434) is amended—

5               (1) in subsection (c)(2), by striking the undes-  
6   ignated matter after subparagraph (C);

7               (2) by redesignating paragraph (3) of sub-  
8   section (c) as subsection (g); and

9               (3) by inserting after subsection (c)(2) (as  
10   amended by paragraph (1)) the following:

11       “(e) TIME FOR REPORTING CERTAIN EXPENDI-  
12   TURES.—

13               “(1) EXPENDITURES AGGREGATING \$1,000.—

14                   “(A) INITIAL REPORT.—A person (includ-  
15   ing a political committee) that makes or con-  
16   tracts to make independent expenditures aggreg-  
17   ating \$1,000 or more after the 20th day, but  
18   more than 24 hours, before the date of an elec-  
19   tion shall file a report describing the expendi-  
20   tures within 24 hours after that amount of  
21   independent expenditures has been made.

22                   “(B) ADDITIONAL REPORTS.—After a per-  
23   son files a report under subparagraph (A), the  
24   person shall file an additional report within 24  
25   hours after each time the person makes or con-  
26   tracts to make independent expenditures aggreg-

1           gating an additional \$1,000 with respect to the  
2           same election as that to which the initial report  
3           relates.

4           “(2) EXPENDITURES AGGREGATING \$10,000.—

5                 “(A) INITIAL REPORT.—A person (includ-  
6           ing a political committee) that makes or con-  
7           tracts to make independent expenditures aggreg-  
8           gating \$10,000 or more at any time up to and  
9           including the 20th day before the date of an  
10          election shall file a report describing the ex-  
11          penditures within 48 hours after that amount  
12          of independent expenditures has been made.

13                 “(B) ADDITIONAL REPORTS.—After a per-  
14          son files a report under subparagraph (A), the  
15          person shall file an additional report within 48  
16          hours after each time the person makes or con-  
17          tracts to make independent expenditures aggreg-  
18          gating an additional \$10,000 with respect to  
19          the same election as that to which the initial re-  
20          port relates.

21                 “(3) PLACE OF FILING; CONTENTS.—A report  
22          under this subsection—

23                 “(A) shall be filed with the Commission;  
24          and

1 “(B) shall contain the information required  
2 by subsection (b)(6)(B)(iii), including the name  
3 of each candidate whom an expenditure is in-  
4 tended to support or oppose.”.

5 (b) CONFORMING AMENDMENT.—Section 304(a)(5)  
6 of such Act (2 U.S.C. 434(a)(5)) is amended by striking  
7 “, or the second sentence of subsection (c)(2)”.

8 **SEC. 205. INDEPENDENT VERSUS COORDINATED EXPENDI-**  
9 **TURES BY PARTY.**

10 Section 315(d) of the Federal Election Campaign Act  
11 (2 U.S.C. 441a(d)) is amended—

12 (1) in paragraph (1), by striking “and (3)” and  
13 inserting “, (3), and (4)”;

14 (2) by adding at the end the following:

15 “(4) INDEPENDENT VERSUS COORDINATED EX-  
16 PENDITURES BY PARTY.—

17 “(A) IN GENERAL.—On or after the date on  
18 which a political party nominates a candidate, a  
19 committee of the political party shall not make both  
20 expenditures under this subsection and independent  
21 expenditures (as defined in section 301(17)) with re-  
22 spect to the candidate during the election cycle.

23 “(B) CERTIFICATION.—Before making a coordi-  
24 nated expenditure under this subsection with respect  
25 to a candidate, a committee of a political party shall

1 file with the Commission a certification, signed by  
2 the treasurer of the committee, that the committee  
3 has not and shall not make any independent expend-  
4 iture with respect to the candidate during the same  
5 election cycle.

6 “(C) APPLICATION.—For the purposes of this  
7 paragraph, all political committees established and  
8 maintained by a national political party (including  
9 all congressional campaign committees) and all polit-  
10 ical committees established and maintained by a  
11 State political party (including any subordinate com-  
12 mittee of a State committee) shall be considered to  
13 be a single political committee.

14 “(D) TRANSFERS.—A committee of a political  
15 party that submits a certification under subpara-  
16 graph (B) with respect to a candidate shall not, dur-  
17 ing an election cycle, transfer any funds to, assign  
18 authority to make coordinated expenditures under  
19 this subsection to, or receive a transfer of funds  
20 from, a committee of the political party that has  
21 made or intends to make an independent expendi-  
22 ture with respect to the candidate.”.

23 **SEC. 206. COORDINATION WITH CANDIDATES.**

24 (a) DEFINITION OF COORDINATION WITH CAN-  
25 DIDATES.—

1           (1) SECTION 301(8).—Section 301(8) of the  
2       Federal Election Campaign Act of 1971 (2 U.S.C.  
3       431(8)) is amended—

4           (A) in subparagraph (A)—

5               (i) by striking “or” at the end of  
6       clause (i);

7               (ii) by striking the period at the end  
8       of clause (ii) and inserting “; or”; and

9               (iii) by adding at the end the fol-  
10      lowing:

11               “(iii) coordinated activity (as defined  
12      in subparagraph (C)).”; and

13           (B) by adding at the end the following:

14               “(C) ‘Coordinated activity’ means anything  
15      of value provided by a person in coordination  
16      with a candidate, an agent of the candidate, or  
17      the political party of the candidate or its agent  
18      for the purpose of influencing a Federal election  
19      (regardless of whether the value being provided  
20      is a communication that is express advocacy) in  
21      which such candidate seeks nomination or elec-  
22      tion to Federal office, and includes any of the  
23      following:

24               “(i) A payment made by a person in  
25      cooperation, consultation, or concert with,

1 at the request or suggestion of, or pursu-  
2 ant to any general or particular under-  
3 standing with a candidate, the candidate's  
4 authorized committee, the political party of  
5 the candidate, or an agent acting on behalf  
6 of a candidate, authorized committee, or  
7 the political party of the candidate.

8 “(ii) A payment made by a person for  
9 the production, dissemination, distribution,  
10 or republication, in whole or in part, of any  
11 broadcast or any written, graphic, or other  
12 form of campaign material prepared by a  
13 candidate, a candidate's authorized com-  
14 mittee, or an agent of a candidate or au-  
15 thorized committee (not including a com-  
16 munication described in paragraph  
17 (9)(B)(i) or a communication that ex-  
18 pressly advocates the candidate's defeat).

19 “(iii) A payment made by a person  
20 based on information about a candidate's  
21 plans, projects, or needs provided to the  
22 person making the payment by the can-  
23 didate or the candidate's agent who pro-  
24 vides the information with the intent that  
25 the payment be made.

1                   “(iv) A payment made by a person if,  
2                   in the same election cycle in which the pay-  
3                   ment is made, the person making the pay-  
4                   ment is serving or has served as a member,  
5                   employee, fundraiser, or agent of the can-  
6                   didate’s authorized committee in an execu-  
7                   tive or policymaking position.

8                   “(v) A payment made by a person if  
9                   the person making the payment has served  
10                  in any formal policy making or advisory  
11                  position with the candidate’s campaign or  
12                  has participated in formal strategic or for-  
13                  mal policymaking discussions (other than  
14                  any discussion treated as a lobbying con-  
15                  tact under the Lobbying Disclosure Act of  
16                  1995 in the case of a candidate holding  
17                  Federal office or as a similar lobbying ac-  
18                  tivity in the case of a candidate holding  
19                  State or other elective office) with the can-  
20                  didate’s campaign relating to the can-  
21                  didate’s pursuit of nomination for election,  
22                  or election, to Federal office, in the same  
23                  election cycle as the election cycle in which  
24                  the payment is made.



1                   “(vi) A payment made by a person if,  
2                   in the same election cycle, the person mak-  
3                   ing the payment retains the professional  
4                   services of any person that has provided or  
5                   is providing campaign-related services in  
6                   the same election cycle to a candidate (in-  
7                   cluding services provided through a polit-  
8                   ical committee of the candidate’s political  
9                   party) in connection with the candidate’s  
10                  pursuit of nomination for election, or elec-  
11                  tion, to Federal office, including services  
12                  relating to the candidate’s decision to seek  
13                  Federal office, and the person retained is  
14                  retained to work on activities relating to  
15                  that candidate’s campaign.

16                  “(vii) A payment made by a person  
17                  who has directly participated in fund-  
18                  raising activities with the candidate or in  
19                  the solicitation or receipt of contributions  
20                  on behalf of the candidate.

21                  “(viii) A payment made by a person  
22                  who has communicated with the candidate  
23                  or an agent of the candidate (including a  
24                  communication through a political com-  
25                  mittee of the candidate’s political party)

1 after the declaration of candidacy (includ-  
2 ing a pollster, media consultant, vendor,  
3 advisor, or staff member acting on behalf  
4 of the candidate), about advertising mes-  
5 sage, allocation of resources, fundraising,  
6 or other campaign matters related to the  
7 candidate's campaign, including campaign  
8 operations, staffing, tactics, or strategy.

9 “(ix) The provision of in-kind profes-  
10 sional services or polling data (including  
11 services or data provided through a polit-  
12 ical committee of the candidate's political  
13 party) to the candidate or candidate's  
14 agent.

15 “(x) A payment made by a person  
16 who has engaged in a coordinated activity  
17 with a candidate described in clauses (i)  
18 through (ix) for a communication that  
19 clearly refers to the candidate or the can-  
20 didate's opponent and is for the purpose of  
21 influencing that candidates's election (re-  
22 gardless of whether the communication is  
23 express advocacy).

24 “(D) For purposes of subparagraph (C),  
25 the term ‘professional services’ means polling,

1 media advice, fundraising, campaign research or  
2 direct mail (except for mailhouse services solely  
3 for the distribution of voter guides as defined in  
4 section 431(20)(B)) services in support of a  
5 candidate's pursuit of nomination for election,  
6 or election, to Federal office.

7 “(E) For purposes of subparagraph (C),  
8 all political committees established and main-  
9 tained by a national political party (including  
10 all congressional campaign committees) and all  
11 political committees established and maintained  
12 by a State political party (including any subor-  
13 dinate committee of a State committee) shall be  
14 considered to be a single political committee.”.

15 (2) SECTION 315(a)(7).—Section 315(a)(7) (2  
16 U.S.C. 441a(a)(7)) is amended by striking subpara-  
17 graph (B) and inserting the following:

18 “(B) a coordinated activity, as described in  
19 section 301(8)(C), shall be considered to be a  
20 contribution to the candidate, and in the case  
21 of a limitation on expenditures, shall be treated  
22 as an expenditure by the candidate.

23 (b) MEANING OF CONTRIBUTION OR EXPENDITURE  
24 FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2)  
25 of the Federal Election Campaign Act of 1971 (2 U.S.C.

1 441b(b)) is amended by striking “shall include” and in-  
2 serting “includes a contribution or expenditure, as those  
3 terms are defined in section 301, and also includes”.

## 4 **TITLE III—DISCLOSURE**

### 5 **SEC. 301. FILING OF REPORTS USING COMPUTERS AND** 6 **FACSIMILE MACHINES.**

7 Section 304(a) of the Federal Election Campaign Act  
8 of 1971 (2 U.S.C. 434(a)) is amended by striking para-  
9 graph (11) and inserting the following:

10 “(11)(A) The Commission shall promulgate a regula-  
11 tion under which a person required to file a designation,  
12 statement, or report under this Act—

13 “(i) is required to maintain and file a designa-  
14 tion, statement, or report for any calendar year in  
15 electronic form accessible by computers if the person  
16 has, or has reason to expect to have, aggregate con-  
17 tributions or expenditures in excess of a threshold  
18 amount determined by the Commission; and

19 “(ii) may maintain and file a designation, state-  
20 ment, or report in electronic form or an alternative  
21 form, including the use of a facsimile machine, if not  
22 required to do so under the regulation promulgated  
23 under clause (i).

24 “(B) The Commission shall make a designation,  
25 statement, report, or notification that is filed electronically

1 with the Commission accessible to the public on the Inter-  
2 net not later than 24 hours after the designation, state-  
3 ment, report, or notification is received by the Commis-  
4 sion.

5 “(C) In promulgating a regulation under this para-  
6 graph, the Commission shall provide methods (other than  
7 requiring a signature on the document being filed) for  
8 verifying designations, statements, and reports covered by  
9 the regulation. Any document verified under any of the  
10 methods shall be treated for all purposes (including pen-  
11 alties for perjury) in the same manner as a document veri-  
12 fied by signature.”.

13 **SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS**  
14 **WITH INCOMPLETE CONTRIBUTOR INFORMA-**  
15 **TION.**

16 Section 302 of Federal Election Campaign Act of  
17 1971 (2 U.S.C. 432) is amended by adding at the end  
18 the following:

19 “(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of  
20 a candidate’s authorized committee shall not deposit, ex-  
21 cept in an escrow account, or otherwise negotiate a con-  
22 tribution from a person who makes an aggregate amount  
23 of contributions in excess of \$200 during a calendar year  
24 unless the treasurer verifies that the information required

1 by this section with respect to the contributor is com-  
2 plete.”.

3 **SEC. 303. AUDITS.**

4 (a) RANDOM AUDITS.—Section 311(b) of the Federal  
5 Election Campaign Act of 1971 (2 U.S.C. 438(b)) is  
6 amended—

7 (1) by inserting “(1) IN GENERAL.—” before  
8 “The Commission”;

9 (2) by moving the text 2 ems to the right; and

10 (3) by adding at the end the following:

11 “(2) RANDOM AUDITS.—

12 “(A) IN GENERAL.—Notwithstanding para-  
13 graph (1), the Commission may conduct ran-  
14 dom audits and investigations to ensure vol-  
15 untary compliance with this Act. The selection  
16 of any candidate for a random audit or inves-  
17 tigation shall be based on criteria adopted by a  
18 vote of at least four members of the Commis-  
19 sion.

20 “(B) LIMITATION.—The Commission shall  
21 not conduct an audit or investigation of a can-  
22 didate’s authorized committee under subpara-  
23 graph (A) until the candidate is no longer a  
24 candidate for the office sought by the candidate  
25 in an election cycle.

1                   “(C) APPLICABILITY.—This paragraph  
2                   does not apply to an authorized committee of a  
3                   candidate for President or Vice President sub-  
4                   ject to audit under section 9007 or 9038 of the  
5                   Internal Revenue Code of 1986.”.

6           (b) EXTENSION OF PERIOD DURING WHICH CAM-  
7 PAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the  
8 Federal Election Campaign Act of 1971 (2 U.S.C. 438(b))  
9 is amended by striking “6 months” and inserting “12  
10 months”.

11 **SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBU-**  
12 **TIONS OF \$50 OR MORE.**

13           Section 304(b)(3)(A) of the Federal Election Cam-  
14 paign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

15                   (1) by striking “\$200” and inserting “\$50”;  
16                   and

17                   (2) by striking the semicolon and inserting “,  
18                   except that in the case of a person who makes con-  
19                   tributions aggregating at least \$50 but not more  
20                   than \$200 during the calendar year, the identifica-  
21                   tion need include only the name and address of the  
22                   person;”.

1   **SEC. 305. USE OF CANDIDATES' NAMES.**

2           Section 302(e) of the Federal Election Campaign Act  
3 of 1971 (2 U.S.C. 432(e)) is amended by striking para-  
4 graph (4) and inserting the following:

5           “(4)(A) The name of each authorized committee shall  
6 include the name of the candidate who authorized the com-  
7 mittee under paragraph (1).

8           “(B) A political committee that is not an authorized  
9 committee shall not—

10           “(i) include the name of any candidate in its  
11 name; or

12           “(ii) except in the case of a national, State, or  
13 local party committee, use the name of any can-  
14 didate in any activity on behalf of the committee in  
15 such a context as to suggest that the committee is  
16 an authorized committee of the candidate or that the  
17 use of the candidate’s name has been authorized by  
18 the candidate.”.

19   **SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO**  
20                           **SOLICIT CONTRIBUTIONS.**

21           Section 322 of the Federal Election Campaign Act  
22 of 1971 (2 U.S.C. 441h) is amended—

23           (1) by inserting after “SEC. 322.” the fol-  
24 lowing: “(a) IN GENERAL.—”; and

25           (2) by adding at the end the following:



1       “(b) SOLICITATION OF CONTRIBUTIONS.—No person  
2 shall solicit contributions by falsely representing himself  
3 or herself as a candidate or as a representative of a can-  
4 didate, a political committee, or a political party.”.

5       **SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLIT-**  
6                               **ICAL PARTIES.**

7       (a) IN GENERAL.—Section 304 of the Federal Elec-  
8 tion Campaign Act of 1971 (2 U.S.C. 434) (as amended  
9 by section 103(c) and section 204) is amended by adding  
10 at the end the following:

11       “(h) DISBURSEMENTS OF PERSONS OTHER THAN  
12 POLITICAL PARTIES.—

13               “(1) IN GENERAL.—A person, other than a po-  
14 litical committee of a political party or a person de-  
15 scribed in section 501(d) of the Internal Revenue  
16 Code of 1986, that makes an aggregate amount of  
17 disbursements in excess of \$50,000 during a cal-  
18 endar year for activities described in paragraph (2)  
19 shall file a statement with the Commission—

20               “(A) on a monthly basis as described in  
21 subsection (a)(4)(B); or

22               “(B) in the case of disbursements that are  
23 made within 20 days of an election, within 24  
24 hours after the disbursements are made.

1           “(2) ACTIVITY.—The activity described in this  
2       paragraph is—

3           “(A) Federal election activity;

4           “(B) an activity described in section  
5       316(b)(2)(A) that expresses support for or op-  
6       position to a candidate for Federal office or a  
7       political party; and

8           “(C) an activity described in subparagraph  
9       (B) or (C) of section 316(b)(2).

10          “(3) APPLICABILITY.—This subsection does not  
11       apply to—

12          “(A) a candidate or a candidate’s author-  
13       ized committees; or

14          “(B) an independent expenditure.

15          “(4) CONTENTS.—A statement under this sec-  
16       tion shall contain such information about the dis-  
17       bursements made during the reporting period as the  
18       Commission shall prescribe, including—

19          “(A) the aggregate amount of disburse-  
20       ments made;

21          “(B) the name and address of the person  
22       or entity to whom a disbursement is made in an  
23       aggregate amount in excess of \$200;

24          “(C) the date made, amount, and purpose  
25       of the disbursement; and

1           “(D) if applicable, whether the disburse-  
2           ment was in support of, or in opposition to, a  
3           candidate or a political party, and the name of  
4           the candidate or the political party.”.

5           (b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—  
6           Section 301 of the Federal Election Campaign Act of  
7           1971 (2 U.S.C. 431 et seq.) (as amended by section  
8           201(b)) is further amended by adding at the end the fol-  
9           lowing:

10           “(21) GENERIC CAMPAIGN ACTIVITY.—The  
11           term ‘generic campaign activity’ means an activity  
12           that promotes a political party and does not promote  
13           a candidate or non-Federal candidate.”.

14           **SEC. 308. CAMPAIGN ADVERTISING.**

15           Section 318 of the Federal Election Campaign Act  
16           of 1971 (2 U.S.C. 441d) is amended—

17           (1) in subsection (a)—

18           (A) in the matter preceding paragraph

19           (1)—

20           (i) by striking “Whenever” and insert-  
21           ing “Whenever a political committee makes  
22           a disbursement for the purpose of financ-  
23           ing any communication through any broad-  
24           casting station, newspaper, magazine, out-  
25           door advertising facility, mailing, or any

1 other type of general public political adver-  
2 tising, or whenever”;

3 (ii) by striking “an expenditure” and  
4 inserting “a disbursement”; and

5 (iii) by striking “direct”; and

6 (B) in paragraph (3), by inserting “and  
7 permanent street address” after “name”; and  
8 (2) by adding at the end the following:

9 “(c) Any printed communication described in sub-  
10 section (a) shall—

11 “(1) be of sufficient type size to be clearly read-  
12 able by the recipient of the communication;

13 “(2) be contained in a printed box set apart  
14 from the other contents of the communication; and

15 “(3) be printed with a reasonable degree of  
16 color contrast between the background and the  
17 printed statement.

18 “(d)(1) Any communication described in paragraphs  
19 (1) or (2) of subsection (a) which is transmitted through  
20 radio or television shall include, in addition to the require-  
21 ments of that paragraph, an audio statement by the can-  
22 didate that identifies the candidate and states that the  
23 candidate has approved the communication.

24 “(2) If a communication described in paragraph (1)  
25 is transmitted through television, the communication shall

1 include, in addition to the audio statement under para-  
2 graph (1), a written statement that—

3 “(A) appears at the end of the communication  
4 in a clearly readable manner with a reasonable de-  
5 gree of color contrast between the background and  
6 the printed statement, for a period of at least 4 sec-  
7 onds; and

8 “(B) is accompanied by a clearly identifiable  
9 photographic or similar image of the candidate.

10 “(e) Any communication described in paragraph (3)  
11 of subsection (a) which is transmitted through radio or  
12 television shall include, in addition to the requirements of  
13 that paragraph, in a clearly spoken manner, the following  
14 statement: ‘ \_\_\_\_\_ is responsible for the con-  
15 tent of this advertisement.’ (with the blank to be filled in  
16 with the name of the political committee or other person  
17 paying for the communication and the name of any con-  
18 nected organization of the payor). If transmitted through  
19 television, the statement shall also appear in a clearly  
20 readable manner with a reasonable degree of color con-  
21 trast between the background and the printed statement,  
22 for a period of at least 4 seconds.”.

1     **TITLE IV—PERSONAL WEALTH**  
2                     **OPTION**

3     **SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE**  
4                     **LIMIT.**

5             Title III of the Federal Election Campaign Act of  
6     1971 (2 U.S.C. 431 et seq.), as amended by section 101,  
7     is further amended by adding at the end the following new  
8     section:

9             “VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT  
10            “SEC. 324. (a) ELIGIBLE CONGRESSIONAL CAN-  
11     DIDATE.—

12            “(1) PRIMARY ELECTION.—

13                    “(A) DECLARATION.—A candidate for elec-  
14            tion for Senator or Representative in or Dele-  
15            gate or Resident Commissioner to the Congress  
16            is an eligible primary election Congressional  
17            candidate if the candidate files with the Com-  
18            mission a declaration that the candidate and  
19            the candidate’s authorized committees will not  
20            make expenditures in excess of the personal  
21            funds expenditure limit.

22                    “(B) TIME TO FILE.—The declaration  
23            under subparagraph (A) shall be filed not later  
24            than the date on which the candidate files with

1 the appropriate State officer as a candidate for  
2 the primary election.

3 “(2) GENERAL ELECTION.—

4 “(A) DECLARATION.—A candidate for elec-  
5 tion for Senator or Representative in or Dele-  
6 gate or Resident Commissioner to the Congress  
7 is an eligible general election Congressional can-  
8 didate if the candidate files with the  
9 Commission—

10 “(i) a declaration under penalty of  
11 perjury, with supporting documentation as  
12 required by the Commission, that the can-  
13 didate and the candidate’s authorized com-  
14 mittees did not exceed the personal funds  
15 expenditure limit in connection with the  
16 primary election; and

17 “(ii) a declaration that the candidate  
18 and the candidate’s authorized committees  
19 will not make expenditures in excess of the  
20 personal funds expenditure limit.

21 “(B) TIME TO FILE.—The declaration  
22 under subparagraph (A) shall be filed not later  
23 than 7 days after the earlier of—

1 “(i) the date on which the candidate  
2 qualifies for the general election ballot  
3 under State law; or

4 “(ii) if under State law, a primary or  
5 run-off election to qualify for the general  
6 election ballot occurs after September 1,  
7 the date on which the candidate wins the  
8 primary or runoff election.

9 “(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

10 “(1) IN GENERAL.—The aggregate amount of  
11 expenditures that may be made in connection with  
12 an election by an eligible Congressional candidate or  
13 the candidate’s authorized committees from the  
14 sources described in paragraph (2) shall not exceed  
15 \$50,000.

16 “(2) SOURCES.—A source is described in this  
17 paragraph if the source is—

18 “(A) personal funds of the candidate and  
19 members of the candidate’s immediate family;  
20 or

21 “(B) proceeds of indebtedness incurred by  
22 the candidate or a member of the candidate’s  
23 immediate family.

24 “(c) CERTIFICATION BY THE COMMISSION.—



1           “(1) IN GENERAL.—The Commission shall de-  
2       termine whether a candidate has met the require-  
3       ments of this section and, based on the determina-  
4       tion, issue a certification stating whether the can-  
5       didate is an eligible Congressional candidate.

6           “(2) TIME FOR CERTIFICATION.—Not later  
7       than 7 business days after a candidate files a dec-  
8       laration under paragraph (1) or (2) of subsection  
9       (a), the Commission shall certify whether the can-  
10      didate is an eligible Congressional candidate.

11          “(3) REVOCATION.—The Commission shall re-  
12      voke a certification under paragraph (1), based on  
13      information submitted in such form and manner as  
14      the Commission may require or on information that  
15      comes to the Commission by other means, if the  
16      Commission determines that a candidate violates the  
17      personal funds expenditure limit.

18          “(4) DETERMINATIONS BY COMMISSION.—A de-  
19      termination made by the Commission under this  
20      subsection shall be final, except to the extent that  
21      the determination is subject to examination and  
22      audit by the Commission and to judicial review.

23          “(d) PENALTY.—If the Commission revokes the cer-  
24      tification of an eligible Congressional candidate—

1           “(1) the Commission shall notify the candidate  
2           of the revocation; and

3           “(2) the candidate and a candidate’s authorized  
4           committees shall pay to the Commission an amount  
5           equal to the amount of expenditures made by a na-  
6           tional committee of a political party or a State com-  
7           mittee of a political party in connection with the  
8           general election campaign of the candidate under  
9           section 315(d).”.

10 **SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED**  
11 **EXPENDITURES.**

12           Section 315(d) of the Federal Election Campaign Act  
13 of 1971 (2 U.S.C. 441a(d)) (as amended by section 204)  
14 is amended by adding at the end the following:

15           “(5) This subsection does not apply to expenditures  
16 made in connection with the general election campaign of  
17 a candidate for Senator or Representative in or Delegate  
18 or Resident Commissioner to the Congress who is not an  
19 eligible Congressional candidate (as defined in section  
20 324(a)).”.

1       **TITLE V—MISCELLANEOUS**

2       **SEC. 501. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN**  
3               **PURPOSES.**

4       Title III of the Federal Election Campaign Act of  
5       1971 (2 U.S.C. 431 et seq.) is amended by striking section  
6       313 and inserting the following:

7               “USE OF CONTRIBUTED AMOUNTS FOR CERTAIN  
8                               PURPOSES

9               “SEC. 313. (a) PERMITTED USES.—A contribution  
10       accepted by a candidate, and any other amount received  
11       by an individual as support for activities of the individual  
12       as a holder of Federal office, may be used by the candidate  
13       or individual—

14               “(1) for expenditures in connection with the  
15       campaign for Federal office of the candidate or indi-  
16       vidual;

17               “(2) for ordinary and necessary expenses in-  
18       curred in connection with duties of the individual as  
19       a holder of Federal office;

20               “(3) for contributions to an organization de-  
21       scribed in section 170(c) of the Internal Revenue  
22       Code of 1986; or

23               “(4) for transfers to a national, State, or local  
24       committee of a political party.

25               “(b) PROHIBITED USE.—

1           “(1) IN GENERAL.—A contribution or amount  
2       described in subsection (a) shall not be converted by  
3       any person to personal use.

4           “(2) CONVERSION.—For the purposes of para-  
5       graph (1), a contribution or amount shall be consid-  
6       ered to be converted to personal use if the contribu-  
7       tion or amount is used to fulfill any commitment,  
8       obligation, or expense of a person that would exist  
9       irrespective of the candidate’s election campaign or  
10      individual’s duties as a holder of Federal office-  
11      holder, including—

12           “(A) a home mortgage, rent, or utility pay-  
13      ment;

14           “(B) a clothing purchase;

15           “(C) a noncampaign-related automobile ex-  
16      pense;

17           “(D) a country club membership;

18           “(E) a vacation or other noncampaign-re-  
19      lated trip;

20           “(F) a household food item;

21           “(G) a tuition payment;

22           “(H) admission to a sporting event, con-  
23      cert, theater, or other form of entertainment  
24      not associated with an election campaign; and

1                   “(I) dues, fees, and other payments to a  
2                   health club or recreational facility.”.

3   **SEC. 502. PROHIBITION OF FUNDRAISING ON FEDERAL**  
4                   **PROPERTY.**

5       Section 607 of title 18, United States Code, is  
6 amended—

7                   (1) by striking subsection (a) and inserting the  
8                   following:

9       “(a) PROHIBITION.—

10                   “(1) IN GENERAL.—It shall be unlawful for any  
11                   person to solicit or receive a donation of money or  
12                   other thing of value in connection with a Federal,  
13                   State, or local election from a person who is located  
14                   in a room or building occupied in the discharge of  
15                   official duties by an officer or employee of the  
16                   United States. An individual who is an officer or  
17                   employee of the Federal Government, including the  
18                   President, Vice President, and Members of Con-  
19                   gress, shall not solicit a donation of money or other  
20                   thing of value in connection with a Federal, State,  
21                   or local election while in any room or building occu-  
22                   pied in the discharge of official duties by an officer  
23                   or employee of the United States, from any person.

1           “(2) PENALTY.—A person who violates this sec-  
2           tion shall be fined not more than \$5,000, imprisoned  
3           more than 3 years, or both.”; and

4           (2) in subsection (b), by inserting “or Executive  
5           Office of the President” after “Congress”.

6   **SEC. 503. PENALTIES FOR VIOLATIONS.**

7           (a) INCREASED PENALTIES.—Section 309(a) of the  
8           Federal Election Campaign Act of 1971 (2 U.S.C.  
9           437g(a)) is amended—

10           (1) in paragraphs (5)(A), (6)(A), and (6)(B),  
11           by striking “\$5,000” and inserting “\$10,000”; and

12           (2) in paragraphs (5)(B) and (6)(C), by strik-  
13           ing “\$10,000 or an amount equal to 200 percent”  
14           and inserting “\$20,000 or an amount equal to 300  
15           percent”.

16           (b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of  
17           the Federal Election Campaign Act of 1971 (2 U.S.C.  
18           437g(a)(5)) is amended by striking the period at the end  
19           and inserting “, and may include equitable remedies or  
20           penalties, including disgorgement of funds to the Treasury  
21           or community service requirements (including require-  
22           ments to participate in public education programs).”.

23           (c) AUTOMATIC PENALTY FOR LATE FILING.—Sec-  
24           tion 309(a) of the Federal Election Campaign Act of 1971  
25           (2 U.S.C. 437g(a)) is amended—

1 (1) by adding at the end the following:

2 “(13) PENALTY FOR LATE FILING.—

3 “(A) IN GENERAL.—

4 “(i) MONETARY PENALTIES.—The Com-  
5 mission shall establish a schedule of mandatory  
6 monetary penalties that shall be imposed by the  
7 Commission for failure to meet a time require-  
8 ment for filing under section 304.

9 “(ii) REQUIRED FILING.—In addition to  
10 imposing a penalty, the Commission may re-  
11 quire a report that has not been filed within the  
12 time requirements of section 304 to be filed by  
13 a specific date.

14 “(iii) PROCEDURE.—A penalty or filing re-  
15 quirement imposed under this paragraph shall  
16 not be subject to paragraph (1), (2), (3), (4),  
17 (5), or (12).

18 “(B) FILING AN EXCEPTION.—

19 “(i) TIME TO FILE.—A political committee  
20 shall have 30 days after the imposition of a  
21 penalty or filing requirement by the Commis-  
22 sion under this paragraph in which to file an  
23 exception with the Commission.

24 “(ii) TIME FOR COMMISSION TO RULE.—

25 Within 30 days after receiving an exception, the

1 Commission shall make a determination that is  
2 a final agency action subject to exclusive review  
3 by the United States Court of Appeals for the  
4 District of Columbia Circuit under section 706  
5 of title 5, United States Code, upon petition  
6 filed in that court by the political committee or  
7 treasurer that is the subject of the agency ac-  
8 tion, if the petition is filed within 30 days after  
9 the date of the Commission action for which re-  
10 view is sought.”;

11 (2) in paragraph (5)(D)—

12 (A) by inserting after the first sentence the  
13 following: “In any case in which a penalty or  
14 filing requirement imposed on a political com-  
15 mittee or treasurer under paragraph (13) has  
16 not been satisfied, the Commission may insti-  
17 tute a civil action for enforcement under para-  
18 graph (6)(A).”; and

19 (B) by inserting before the period at the  
20 end of the last sentence the following: “or has  
21 failed to pay a penalty or meet a filing require-  
22 ment imposed under paragraph (13)”;

23 (3) in paragraph (6)(A), by striking “paragraph  
24 (4)(A)” and inserting “paragraph (4)(A) or (13)”.



1 **SEC. 504. STRENGTHENING FOREIGN MONEY BAN.**

2 (a) IN GENERAL.—Section 319 of the Federal Elec-  
3 tion Campaign Act of 1971 (2 U.S.C. 441e) is amended—

4 (1) by striking the heading and inserting the  
5 following: “CONTRIBUTIONS AND DONATIONS BY  
6 FOREIGN NATIONALS”; and

7 (2) by striking subsection (a) and inserting the  
8 following:

9 “(a) PROHIBITION.—It shall be unlawful for—

10 “(1) a foreign national, directly or indirectly, to  
11 make—

12 “(A) a donation of money or other thing of  
13 value, or to promise expressly or impliedly to  
14 make a donation, in connection with a Federal,  
15 State, or local election; or

16 “(B) a contribution or donation to a com-  
17 mittee of a political party; or

18 “(2) a person to solicit, accept, or receive such  
19 a contribution or donation from a foreign national.”.

20 (b) PROHIBITING USE OF WILLFUL BLINDNESS AS  
21 DEFENSE AGAINST CHARGE OF VIOLATING FOREIGN  
22 CONTRIBUTION BAN.—

23 (1) IN GENERAL.—Section 319 of such Act (2  
24 U.S.C. 441e) is amended—

25 (A) by redesignating subsection (b) as sub-  
26 section (c); and

1 (B) by inserting after subsection (a) the  
2 following new subsection:

3 “(b) PROHIBITING USE OF WILLFUL BLINDNESS  
4 DEFENSE.—It shall not be a defense to a violation of sub-  
5 section (a) that the defendant did not know that the con-  
6 tribution originated from a foreign national if the defend-  
7 ant should have known that the contribution originated  
8 from a foreign national, except that the trier of fact may  
9 not find that the defendant should have known that the  
10 contribution originated from a foreign national solely be-  
11 cause of the name of the contributor.”.

12 (2) EFFECTIVE DATE.—The amendments made  
13 by this subsection shall apply with respect to viola-  
14 tions occurring on or after the date of the enactment  
15 of this Act.

16 (c) PROHIBITION APPLICABLE TO ALL INDIVIDUALS  
17 WHO ARE NOT CITIZENS OR NATIONALS OF THE UNITED  
18 STATES.—Section 319(b)(2) of such Act (2 U.S.C.  
19 441e(b)(2)) is amended by striking the period at the end  
20 and inserting the following: “, or in the case of an election  
21 for Federal office, an individual who is not a citizen of  
22 the United States or a national of the United States (as  
23 defined in section 101(a)(22) of the Immigration and Na-  
24 tionality Act).”.

1   **SEC. 505. PROHIBITION OF CONTRIBUTIONS BY MINORS.**

2           Title III of the Federal Election Campaign Act of  
3   1971 (2 U.S.C. 431 et seq.), as amended by sections 101  
4   and 401, is further amended by adding at the end the  
5   following new section:

6           “PROHIBITION OF CONTRIBUTIONS BY MINORS

7           “SEC. 325. An individual who is 17 years old or  
8   younger shall not make a contribution to a candidate or  
9   a contribution or donation to a committee of a political  
10   party.”.

11   **SEC. 506. EXPEDITED PROCEDURES.**

12           (a) IN GENERAL.—Section 309(a) of the Federal  
13   Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as  
14   amended by section 503(c)) is amended by adding at the  
15   end the following:

16           “(14)(A) If the complaint in a proceeding was filed  
17   within 60 days preceding the date of a general election,  
18   the Commission may take action described in this sub-  
19   paragraph.

20           “(B) If the Commission determines, on the basis of  
21   facts alleged in the complaint and other facts available to  
22   the Commission, that there is clear and convincing evi-  
23   dence that a violation of this Act has occurred, is occur-  
24   ring, or is about to occur, the Commission may order expe-  
25   dited proceedings, shortening the time periods for pro-  
26   ceedings under paragraphs (1), (2), (3), and (4) as nec-

1    essary to allow the matter to be resolved in sufficient time  
2    before the election to avoid harm or prejudice to the inter-  
3    ests of the parties.

4           “(C) If the Commission determines, on the basis of  
5    facts alleged in the complaint and other facts available to  
6    the Commission, that the complaint is clearly without  
7    merit, the Commission may—

8           “(i) order expedited proceedings, shortening the  
9       time periods for proceedings under paragraphs (1),  
10      (2), (3), and (4) as necessary to allow the matter to  
11      be resolved in sufficient time before the election to  
12      avoid harm or prejudice to the interests of the par-  
13      ties; or

14           “(ii) if the Commission determines that there is  
15      insufficient time to conduct proceedings before the  
16      election, summarily dismiss the complaint.”.

17      (b) REFERRAL TO ATTORNEY GENERAL.—Section  
18    309(a)(5) of the Federal Election Campaign Act of 1971  
19    (2 U.S.C. 437g(a)(5)) is amended by striking subpara-  
20    graph (C) and inserting the following:

21           “(C) The Commission may at any time, by an affirm-  
22    ative vote of at least 4 of its members, refer a possible  
23    violation of this Act or chapter 95 or 96 of the Internal  
24    Revenue Code of 1986, to the Attorney General of the

1 United States, without regard to any limitation set forth  
2 in this section.”.

3 **SEC. 507. INITIATION OF ENFORCEMENT PROCEEDING.**

4 Section 309(a)(2) of the Federal Election Campaign  
5 Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking  
6 “reason to believe that” and inserting “reason to inves-  
7 tigate whether”.

8 **SEC. 508. PROTECTING EQUAL PARTICIPATION OF ELIGI-**  
9 **BLE VOTERS IN CAMPAIGNS AND ELECTIONS.**

10 Title III of the Federal Election Campaign Act of  
11 1971 (2 U.S.C. 431 et seq.), as amended by sections 101,  
12 401, and 505, is further amended by adding at the end  
13 the following new section:

14 “PROTECTING EQUAL PARTICIPATION OF ELIGIBLE  
15 VOTERS IN CAMPAIGNS AND ELECTIONS

16 “SEC. 326. (a) IN GENERAL.—Nothing in this Act  
17 may be construed to prohibit any individual eligible to vote  
18 in an election for Federal office from making contributions  
19 or expenditures in support of a candidate for such an elec-  
20 tion (including voluntary contributions or expenditures  
21 made through a separate segregated fund established by  
22 the individual’s employer or labor organization) or other-  
23 wise participating in any campaign for such an election  
24 in the same manner and to the same extent as any other  
25 individual eligible to vote in an election for such office.

1       “(b) NO EFFECT ON GEOGRAPHIC RESTRICTIONS ON  
2 CONTRIBUTIONS.—Subsection (a) may not be construed  
3 to affect any restriction under this title regarding the por-  
4 tion of contributions accepted by a candidate from persons  
5 residing in a particular geographic area.”.

6 **SEC. 509. PENALTY FOR VIOLATION OF PROHIBITION**  
7 **AGAINST FOREIGN CONTRIBUTIONS.**

8       (a) IN GENERAL.—Section 319 of the Federal Elec-  
9 tion Campaign Act of 1971 (2 U.S.C. 441e), as amended  
10 by section 504(b), is further amended—

11           (1) by redesignating subsection (c) as sub-  
12 section (d); and

13           (2) by inserting after subsection (b) the fol-  
14 lowing new subsection:

15       “(c) PENALTY.—

16           “(1) IN GENERAL.—Except as provided in para-  
17 graph (2), notwithstanding any other provision of  
18 this title any person who violates subsection (a) shall  
19 be sentenced to a term of imprisonment which may  
20 not be more than 10 years, fined in an amount not  
21 to exceed \$1,000,000, or both.

22           “(2) EXCEPTION.—Paragraph (1) shall not  
23 apply with respect to any violation of subsection (a)  
24 arising from a contribution or donation made by an  
25 individual who is lawfully admitted for permanent

1 residence (as defined in section 101(a)(22) of the  
2 Immigration and Nationality Act).”.

3 (b) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply with respect to violations occurring  
5 on or after the date of the enactment of this Act.

6 **SEC. 510. EXPEDITED COURT REVIEW OF CERTAIN AL-**  
7 **LEGED VIOLATIONS OF FEDERAL ELECTION**  
8 **CAMPAIGN ACT OF 1971.**

9 (a) IN GENERAL.—Section 309 of the Federal Elec-  
10 tion Campaign Act of 1971 (2 U.S.C. 437g) is amended—

11 (1) by redesignating subsection (d) as sub-  
12 section (e); and

13 (2) by inserting after subsection (c) the fol-  
14 lowing new subsection:

15 “(d) Notwithstanding any other provision of this sec-  
16 tion, if a candidate (or the candidate’s authorized com-  
17 mittee) believes that a violation described in paragraph (2)  
18 has been committed with respect to an election during the  
19 90-day period preceding the date of the election, the can-  
20 didate or committee may institute a civil action on behalf  
21 of the Commission for relief (including injunctive relief)  
22 against the alleged violator in the same manner and under  
23 the same terms and conditions as an action instituted by  
24 the Commission under subsection (a)(6), except that the  
25 court involved shall issue a decision regarding the action

1 as soon as practicable after the action is instituted and  
2 to the greatest extent possible issue the decision prior to  
3 the date of the election involved.

4 “(2) A violation described in this paragraph is a vio-  
5 lation of this Act or of chapter 95 or chapter 96 of the  
6 Internal Revenue Code of 1986 relating to—

7 “(A) whether a contribution is in excess of an  
8 applicable limit or is otherwise prohibited under this  
9 Act; or

10 “(B) whether an expenditure is an independent  
11 expenditure under section 301(17).”.

12 (b) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply with respect to elections occurring  
14 after the date of the enactment of this Act.

15 **SEC. 511. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DO-**  
16 **NATIONS IN TREASURY ACCOUNT.**

17 (a) IN GENERAL.—Title III of the Federal Election  
18 Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended  
19 by sections 101, 401, 505, and 508, is further amended  
20 by adding at the end the following new section:

21 “TREATMENT OF CERTAIN CONTRIBUTIONS AND  
22 DONATIONS TO BE RETURNED TO DONORS

23 “SEC. 327. (a) TRANSFER TO COMMISSION.—

24 “(1) IN GENERAL.—Notwithstanding any other  
25 provision of this Act, if a political committee intends  
26 to return any contribution or donation given to the



1 political committee, the committee shall transfer the  
2 contribution or donation to the Commission if—

3 “(A) the contribution or donation is in an  
4 amount equal to or greater than \$500 (other  
5 than a contribution or donation returned within  
6 60 days of receipt by the committee); or

7 “(B) the contribution or donation was  
8 made in violation of section 315, 316, 317, 319,  
9 320, or 325 (other than a contribution or dona-  
10 tion returned within 30 days of receipt by the  
11 committee).

12 “(2) INFORMATION INCLUDED WITH TRANS-  
13 FERRED CONTRIBUTION OR DONATION.—A political  
14 committee shall include with any contribution or do-  
15 nation transferred under paragraph (1)—

16 “(A) a request that the Commission return  
17 the contribution or donation to the person mak-  
18 ing the contribution or donation; and

19 “(B) information regarding the cir-  
20 cumstances surrounding the making of the con-  
21 tribution or donation and any opinion of the po-  
22 litical committee concerning whether the con-  
23 tribution or donation may have been made in  
24 violation of this Act.

25 “(3) ESTABLISHMENT OF ESCROW ACCOUNT.—

1           “(A) IN GENERAL.—The Commission shall  
2           establish a single interest-bearing escrow ac-  
3           count for deposit of amounts transferred under  
4           paragraph (1).

5           “(B) DISPOSITION OF AMOUNTS RE-  
6           CEIVED.—On receiving an amount from a polit-  
7           ical committee under paragraph (1), the Com-  
8           mission shall—

9                   “(i) deposit the amount in the escrow  
10                  account established under subparagraph  
11                  (A); and

12                   “(ii) notify the Attorney General and  
13                  the Commissioner of the Internal Revenue  
14                  Service of the receipt of the amount from  
15                  the political committee.

16           “(C) USE OF INTEREST.—Interest earned  
17           on amounts in the escrow account established  
18           under subparagraph (A) shall be applied or  
19           used for the same purposes as the donation or  
20           contribution on which it is earned.

21           “(4) TREATMENT OF RETURNED CONTRIBU-  
22           TION OR DONATION AS A COMPLAINT.—The transfer  
23           of any contribution or donation to the Commission  
24           under this section shall be treated as the filing of a  
25           complaint under section 309(a).

1       “(b) USE OF AMOUNTS PLACED IN ESCROW TO  
2 COVER FINES AND PENALTIES.—The Commission or the  
3 Attorney General may require any amount deposited in  
4 the escrow account under subsection (a)(3) to be applied  
5 toward the payment of any fine or penalty imposed under  
6 this Act or title 18, United States Code, against the per-  
7 son making the contribution or donation.

8       “(c) RETURN OF CONTRIBUTION OR DONATION  
9 AFTER DEPOSIT IN ESCROW.—

10       “(1) IN GENERAL.—The Commission shall re-  
11 turn a contribution or donation deposited in the es-  
12 crow account under subsection (a)(3) to the person  
13 making the contribution or donation if—

14               “(A) within 180 days after the date the  
15 contribution or donation is transferred, the  
16 Commission has not made a determination  
17 under section 309(a)(2) that the Commission  
18 has reason to investigate whether that the mak-  
19 ing of the contribution or donation was made in  
20 violation of this Act; or

21               “(B)(i) the contribution or donation will  
22 not be used to cover fines, penalties, or costs  
23 pursuant to subsection (b); or

24               “(ii) if the contribution or donation will be  
25 used for those purposes, that the amounts re-

1           quired for those purposes have been withdrawn  
2           from the escrow account and subtracted from  
3           the returnable contribution or donation.

4           “(2) NO EFFECT ON STATUS OF INVESTIGA-  
5           TION.—The return of a contribution or donation by  
6           the Commission under this subsection shall not be  
7           construed as having an effect on the status of an in-  
8           vestigation by the Commission or the Attorney Gen-  
9           eral of the contribution or donation or the cir-  
10          cumstances surrounding the contribution or dona-  
11          tion, or on the ability of the Commission or the At-  
12          torney General to take future actions with respect to  
13          the contribution or donation.”.

14          (b) AMOUNTS USED TO DETERMINE AMOUNT OF  
15          PENALTY FOR VIOLATION.—Section 309(a) of such Act  
16          (2 U.S.C. 437g(a)) is amended by inserting after para-  
17          graph (9) the following new paragraph:

18          “(10) For purposes of determining the amount of a  
19          civil penalty imposed under this subsection for violations  
20          of section 326, the amount of the donation involved shall  
21          be treated as the amount of the contribution involved.”.

22          (c) DISGORGEMENT AUTHORITY.—Section 309 of  
23          such Act (2 U.S.C. 437g) is amended by adding at the  
24          end the following new subsection:

1       “(e) Any conciliation agreement, civil action, or crimi-  
2       nal action entered into or instituted under this section  
3       may require a person to forfeit to the Treasury any con-  
4       tribution, donation, or expenditure that is the subject of  
5       the agreement or action for transfer to the Commission  
6       for deposit in accordance with section 326.”.

7       (d) EFFECTIVE DATE.—The amendments made by  
8       subsections (a) and (b) shall apply to contributions or do-  
9       nations refunded on or after the date of the enactment  
10      of this Act, without regard to whether the Federal Elec-  
11      tion Commission or Attorney General has issued regula-  
12      tions to carry out section 326 of the Federal Election  
13      Campaign Act of 1971 (as added by subsection (a)) by  
14      such date.

15   **SEC. 512. ESTABLISHMENT OF A CLEARINGHOUSE OF IN-**  
16                           **FORMATION ON POLITICAL ACTIVITIES WITH-**  
17                           **IN THE FEDERAL ELECTION COMMISSION.**

18      (a) ESTABLISHMENT.—There shall be established  
19      within the Federal Election Commission a clearinghouse  
20      of public information regarding the political activities of  
21      foreign principals and agents of foreign principals. The in-  
22      formation comprising this clearinghouse shall include only  
23      the following:

1           (1) All registrations and reports filed pursuant  
2           to the Lobbying Disclosure Act of 1995 (2 U.S.C.  
3           1601 et seq.) during the preceding 5-year period.

4           (2) All registrations and reports filed pursuant  
5           to the Foreign Agents Registration Act, as amended  
6           (22 U.S.C. 611 et seq.), during the preceding 5-year  
7           period.

8           (3) The listings of public hearings, hearing wit-  
9           nesses, and witness affiliations printed in the Con-  
10          gressional Record during the preceding 5-year pe-  
11          riod.

12          (4) Public information disclosed pursuant to the  
13          rules of the Senate or the House of Representatives  
14          regarding honoraria, the receipt of gifts, travel, and  
15          earned and unearned income.

16          (5) All reports filed pursuant to title I of the  
17          Ethics in Government Act of 1978 (5 U.S.C. App.)  
18          during the preceding 5-year period.

19          (6) All public information filed with the Federal  
20          Election Commission pursuant to the Federal Elec-  
21          tion Campaign Act of 1971 (2 U.S.C. 431 et seq.)  
22          during the preceding 5-year period.

23          (b) DISCLOSURE OF OTHER INFORMATION PROHIB-  
24          ITED.—The disclosure by the clearinghouse, or any officer  
25          or employee thereof, of any information other than that

1 set forth in subsection (a) is prohibited, except as other-  
2 wise provided by law.

3 (c) DIRECTOR OF CLEARINGHOUSE.—

4 (1) DUTIES.—The clearinghouse shall have a  
5 Director, who shall administer and manage the re-  
6 sponsibilities and all activities of the clearinghouse.

7 In carrying out such duties, the Director shall—

8 (A) develop a filing, coding, and cross-in-  
9 dexing system to carry out the purposes of this  
10 section (which shall include an index of all per-  
11 sons identified in the reports, registrations, and  
12 other information comprising the clearing-  
13 house);

14 (B) notwithstanding any other provision of  
15 law, make copies of registrations, reports, and  
16 other information comprising the clearinghouse  
17 available for public inspection and copying, be-  
18 ginning not later than 30 days after the infor-  
19 mation is first available to the public, and per-  
20 mit copying of any such registration, report, or  
21 other information by hand or by copying ma-  
22 chine or, at the request of any person, furnish  
23 a copy of any such registration, report, or other  
24 information upon payment of the cost of mak-  
25 ing and furnishing such copy, except that no in-

1           formation contained in such registration or re-  
2           port and no such other information shall be  
3           sold or used by any person for the purpose of  
4           soliciting contributions or for any profit-making  
5           purpose; and

6           (C) not later than 150 days after the date  
7           of the enactment of this Act and at any time  
8           thereafter, to prescribe, in consultation with the  
9           Comptroller General, such rules, regulations,  
10          and forms, in conformity with the provisions of  
11          chapter 5 of title 5, United States Code, as are  
12          necessary to carry out the provisions of this  
13          section in the most effective and efficient man-  
14          ner.

15          (2) APPOINTMENT.—The Director shall be ap-  
16          pointed by the Federal Election Commission.

17          (3) TERM OF SERVICE.—The Director shall  
18          serve a single term of a period of time determined  
19          by the Commission, but not to exceed 5 years.

20          (d) PENALTIES FOR DISCLOSURE OF INFORMA-  
21          TION.—Any person who discloses information in violation  
22          of subsection (b), and any person who sells or uses infor-  
23          mation for the purpose of soliciting contributions or for  
24          any profit-making purpose in violation of subsection  
25          (c)(1)(B), shall be imprisoned for a period of not more



1 than 1 year, or fined in the amount provided in title 18,  
2 United States Code, or both.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated such sums as may be  
5 necessary to conduct the activities of the clearinghouse.

6 (f) FOREIGN PRINCIPAL.—In this section, the term  
7 “foreign principal” shall have the same meaning given the  
8 term “foreign national” under section 319 of the Federal  
9 Election Campaign Act of 1971 (2 U.S.C. 441e), as in  
10 effect as of the date of the enactment of this Act.

11 **SEC. 513. CLARIFICATION OF RIGHT OF NATIONALS OF THE**  
12 **UNITED STATES TO MAKE POLITICAL CON-**  
13 **TRIBUTIONS.**

14 Section 319(d)(2) of the Federal Election Campaign  
15 Act of 1971 (2 U.S.C. 441e(d)(2)), as amended by sec-  
16 tions 504(b) and 509(a), is further amended by inserting  
17 after “United States” the following: “or a national of the  
18 United States (as defined in section 101(a)(22) of the Im-  
19 migration and Nationality Act)”.

20 **TITLE VI—INDEPENDENT COM-**  
21 **MISSION ON CAMPAIGN FI-**  
22 **NANCE REFORM**

23 **SEC. 601. ESTABLISHMENT AND PURPOSE OF COMMISSION.**

24 There is established a commission to be known as the  
25 “Independent Commission on Campaign Finance Reform”

1 (referred to in this title as the “Commission”). The pur-  
2 poses of the Commission are to study the laws relating  
3 to the financing of political activity and to report and rec-  
4 ommend legislation to reform those laws.

5 **SEC. 602. MEMBERSHIP OF COMMISSION.**

6 (a) COMPOSITION.—The Commission shall be com-  
7 posed of 12 members appointed within 15 days after the  
8 date of the enactment of this Act by the President from  
9 among individuals who are not incumbent Members of  
10 Congress and who are specially qualified to serve on the  
11 Commission by reason of education, training, or experi-  
12 ence.

13 (b) APPOINTMENT.—

14 (1) IN GENERAL.—Members shall be appointed  
15 as follows:

16 (A) Three members (one of whom shall be  
17 a political independent) shall be appointed from  
18 among a list of nominees submitted by the  
19 Speaker of the House of Representatives.

20 (B) Three members (one of whom shall be  
21 a political independent) shall be appointed from  
22 among a list of nominees submitted by the ma-  
23 jority leader of the Senate.

24 (C) Three members (one of whom shall be  
25 a political independent) shall be appointed from

1 among a list of nominees submitted by the mi-  
2 nority leader of the House of Representatives.

3 (D) Three members (one of whom shall be  
4 a political independent) shall be appointed from  
5 among a list of nominees submitted by the mi-  
6 nority leader of the Senate.

7 (2) FAILURE TO SUBMIT LIST OF NOMINEES.—  
8 If an official described in any of the subparagraphs  
9 of paragraph (1) fails to submit a list of nominees  
10 to the President during the 15-day period which be-  
11 gins on the date of the enactment of this Act—

12 (A) such subparagraph shall no longer  
13 apply; and

14 (B) the President shall appoint three mem-  
15 bers (one of whom shall be a political inde-  
16 pendent) who meet the requirements described  
17 in subsection (a) and such other criteria as the  
18 President may apply.

19 (3) POLITICAL INDEPENDENT DEFINED.—In  
20 this subsection, the term “political independent”  
21 means an individual who at no time after January  
22 1992—

23 (A) has held elective office as a member of  
24 the Democratic or Republican party;

1 (B) has received any wages or salary from  
2 the Democratic or Republican party or from a  
3 Democratic or Republican party office-holder or  
4 candidate; or

5 (C) has provided substantial volunteer  
6 services or made any substantial contribution to  
7 the Democratic or Republican party or to a  
8 Democratic or Republican party office-holder or  
9 candidate.

10 (c) CHAIRMAN.—At the time of the appointment, the  
11 President shall designate one member of the Commission  
12 as Chairman of the Commission.

13 (d) TERMS.—The members of the Commission shall  
14 serve for the life of the Commission.

15 (e) VACANCIES.—A vacancy in the Commission shall  
16 be filled in the manner in which the original appointment  
17 was made.

18 (f) POLITICAL AFFILIATION.—Not more than four  
19 members of the Commission may be of the same political  
20 party.

21 **SEC. 603. POWERS OF COMMISSION.**

22 (a) HEARINGS.—The Commission may, for the pur-  
23 pose of carrying out this title, hold hearings, sit and act  
24 at times and places, take testimony, and receive evidence  
25 as the Commission considers appropriate. In carrying out

1 the preceding sentence, the Commission shall ensure that  
2 a substantial number of its meetings are open meetings,  
3 with significant opportunities for testimony from members  
4 of the general public.

5 (b) QUORUM.—Seven members of the Commission  
6 shall constitute a quorum, but a lesser number may hold  
7 hearings. The approval of at least nine members of the  
8 Commission is required when approving all or a portion  
9 of the recommended legislation. Any member of the Com-  
10 mission may, if authorized by the Commission, take any  
11 action which the Commission is authorized to take under  
12 this section.

13 **SEC. 604. REPORT AND RECOMMENDED LEGISLATION.**

14 (a) REPORT.—Not later than the expiration of the  
15 180-day period which begins on the date on which the sec-  
16 ond session of the One Hundred Sixth Congress adjourns  
17 sine die, the Commission shall submit to the President,  
18 the Speaker and minority leader of the House of Rep-  
19 resentatives, and the majority and minority leaders of the  
20 Senate a report of the activities of the Commission.

21 (b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—  
22 The report under subsection (a) shall include any rec-  
23 ommendations for changes in the laws (including regula-  
24 tions) governing the financing of political activity (taking  
25 into account the provisions of this Act and the amend-

1 ments made by this Act), including any changes in the  
2 rules of the Senate or the House of Representatives, to  
3 which nine or more members of the Commission may  
4 agree, together with drafts of—

5 (1) any legislation (including technical and con-  
6 forming provisions) recommended by the Commis-  
7 sion to implement such recommendations; and

8 (2) any proposed amendment to the Constitu-  
9 tion recommended by the Commission as necessary  
10 to implement such recommendations, except that if  
11 the Commission includes such a proposed amend-  
12 ment in its report, it shall also include recommenda-  
13 tions (and drafts) for legislation which may be im-  
14 plemented prior to the adoption of such proposed  
15 amendment.

16 (c) GOALS OF RECOMMENDATIONS AND LEGISLA-  
17 TION.—In making recommendations and preparing drafts  
18 of legislation under this section, the Commission shall con-  
19 sider the following to be its primary goals:

20 (1) Encouraging fair and open Federal elections  
21 which provide voters with meaningful information  
22 about candidates and issues.

23 (2) Eliminating the disproportionate influence  
24 of special interest financing of Federal elections.

1 (3) Creating a more equitable electoral system  
2 for challengers and incumbents.

3 **SEC. 605. TERMINATION.**

4 The Commission shall cease to exist 90 days after  
5 the date of the submission of its report under section 604.

6 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Com-  
8 mission such sums as are necessary to carry out its duties  
9 under this title.

10 **TITLE VII—PROHIBITING USE OF**  
11 **WHITE HOUSE MEALS AND**  
12 **ACCOMMODATIONS FOR PO-**  
13 **LITICAL FUNDRAISING**

14 **SEC. 701. PROHIBITING USE OF WHITE HOUSE MEALS AND**  
15 **ACCOMMODATIONS FOR POLITICAL FUND-**  
16 **RAISING.**

17 (a) IN GENERAL.—Chapter 29 of title 18, United  
18 States Code, is amended by adding at the end the fol-  
19 lowing new section:

20 **“§ 612. Prohibiting use of meals and accommodations**  
21 **at White House for political fundraising**

22 “(a) It shall be unlawful for any person to provide  
23 or offer to provide any meals or accommodations at the  
24 White House in exchange for any money or other thing  
25 of value, or as a reward for the provision of any money

1 or other thing of value, in support of any political party  
2 or the campaign for electoral office of any candidate.

3 “(b) Any person who violates this section shall be  
4 fined under this title or imprisoned not more than 3 years,  
5 or both.

6 “(c) For purposes of this section, any official resi-  
7 dence or retreat of the President (including private resi-  
8 dential areas and the grounds of such a residence or re-  
9 treat) shall be treated as part of the White House.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 for chapter 29 of title 18, United States Code, is amended  
12 by adding at the end the following new item:

“612. Prohibiting use of meals and accommodations at White House for political fundraising.”.

13 **TITLE VIII—SENSE OF THE CON-**  
14 **GRESS REGARDING FUND-**  
15 **RAISING ON FEDERAL GOV-**  
16 **ERNMENT PROPERTY**

17 **SEC. 801. SENSE OF THE CONGRESS REGARDING APPLICA-**  
18 **BILITY OF CONTROLLING LEGAL AUTHORITY**  
19 **TO FUNDRAISING ON FEDERAL GOVERN-**  
20 **MENT PROPERTY.**

21 It is the sense of the Congress that Federal law clear-  
22 ly demonstrates that “controlling legal authority” under  
23 title 18, United States Code, prohibits the use of Federal  
24 Government property to raise campaign funds.



1 **TITLE IX—REIMBURSEMENT**  
2 **FOR USE OF GOVERNMENT**  
3 **PROPERTY FOR CAMPAIGN**  
4 **ACTIVITY**

5 **SEC. 901. REQUIRING NATIONAL PARTIES TO REIMBURSE**  
6 **AT COST FOR USE OF AIR FORCE ONE FOR**  
7 **POLITICAL FUNDRAISING.**

8 Title III of the Federal Election Campaign Act of  
9 1971 (2 U.S.C. 431 et seq.), as amended by sections 101,  
10 401, 505, 508, and 511, is further amended by adding  
11 at the end the following new section:

12 “REIMBURSEMENT BY POLITICAL PARTIES FOR USE OF  
13 AIR FORCE ONE FOR POLITICAL FUNDRAISING

14 “SEC. 328. (a) IN GENERAL.—If the President, Vice  
15 President, or the head of any executive department (as  
16 defined in section 101 of title 5, United States Code) uses  
17 Air Force One for transportation for any travel which in-  
18 cludes a fundraising event for the benefit of any political  
19 committee of a national political party, such political com-  
20 mittee shall reimburse the Federal Government for the  
21 fair market value of the transportation of the individual  
22 involved, based on the cost of an equivalent commercial  
23 chartered flight.

24 “(b) AIR FORCE ONE DEFINED.—In subsection (a),  
25 the term ‘Air Force One’ means the airplane operated by

1 the Air Force which has been specially configured to carry  
2 out the mission of transporting the President.”.

3 **SEC. 902. REIMBURSEMENT FOR USE OF GOVERNMENT**  
4 **EQUIPMENT FOR CAMPAIGN-RELATED TRAV-**  
5 **EL.**

6 Title III of the Federal Election Campaign Act of  
7 1971 (2 U.S.C. 431 et seq.), as amended by sections 101,  
8 401, 505, 508, 511, and 901, is further amended by add-  
9 ing at the end the following new section:

10 “REIMBURSEMENT FOR USE OF GOVERNMENT  
11 EQUIPMENT FOR CAMPAIGN-RELATED TRAVEL

12 “SEC. 329. If a candidate for election for Federal of-  
13 fice (other than a candidate who holds Federal office) uses  
14 Federal government property as a means of transportation  
15 for purposes related (in whole or in part) to the campaign  
16 for election for such office, the principal campaign com-  
17 mittee of the candidate shall reimburse the Federal gov-  
18 ernment for the costs associated with providing the trans-  
19 portation.”.

1   **TITLE X—PROHIBITING USE OF**  
2       **WALKING AROUND MONEY**

3   **SEC. 1001. PROHIBITING CAMPAIGNS FROM PROVIDING**  
4               **CURRENCY TO INDIVIDUALS FOR PURPOSES**  
5               **OF ENCOURAGING TURNOUT ON DATE OF**  
6               **ELECTION.**

7       Title III of the Federal Election Campaign Act of  
8   1971 (2 U.S.C. 431 et seq.), as amended by sections 101,  
9   401, 505, 508, 511, 901, and 902, is further amended  
10  by adding at the end the following new section:

11       “PROHIBITING USE OF CURRENCY TO PROMOTE  
12               ELECTION DAY TURNOUT

13       “SEC. 330. It shall be unlawful for any political com-  
14  mittee to provide currency to any individual (directly or  
15  through an agent of the committee) for purposes of en-  
16  couraging the individual to appear at the polling place for  
17  the election.”.

18   **TITLE     XI—ENHANCING     EN-**  
19       **FORCEMENT   OF   CAMPAIGN**  
20       **LAW**

21   **SEC. 1101. ENHANCING ENFORCEMENT OF CAMPAIGN FI-**  
22               **NANCE LAW.**

23       (a) MANDATORY IMPRISONMENT FOR CRIMINAL  
24  CONDUCT.—Section 309(d)(1)(A) of the Federal Election

1 Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is  
2 amended—

3 (1) in the first sentence, by striking “shall be  
4 fined, or imprisoned for not more than one year, or  
5 both” and inserting “shall be imprisoned for not  
6 fewer than 1 year and not more than 10 years”; and

7 (2) by striking the second sentence.

8 (b) CONCURRENT AUTHORITY OF ATTORNEY GEN-  
9 ERAL TO BRING CRIMINAL ACTIONS.—Section 309(d) of  
10 such Act (2 U.S.C. 437g(d)) is amended by adding at the  
11 end the following new paragraph:

12 “(4) In addition to the authority to bring cases re-  
13 ferred pursuant to subsection (a)(5), the Attorney General  
14 may at any time bring a criminal action for a violation  
15 of this Act or of chapter 95 or chapter 96 of the Internal  
16 Revenue Code of 1986.”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply with respect to actions brought  
19 with respect to elections occurring after January 2002.

20 **TITLE XII—SEVERABILITY; CON-**  
21 **STITUTIONALITY; EFFECTIVE**  
22 **DATE; REGULATIONS**

23 **SEC. 1201. SEVERABILITY.**

24 If any provision of this Act or amendment made by  
25 this Act, or the application of a provision or amendment

1 to any person or circumstance, is held to be unconstitu-  
2 tional, the remainder of this Act and amendments made  
3 by this Act, and the application of the provisions and  
4 amendment to any person or circumstance, shall not be  
5 affected by the holding.

6 **SEC. 1202. REVIEW OF CONSTITUTIONAL ISSUES.**

7 An appeal may be taken directly to the Supreme  
8 Court of the United States from any final judgment, de-  
9 cree, or order issued by any court ruling on the constitu-  
10 tionality of any provision of this Act or amendment made  
11 by this Act.

12 **SEC. 1203. EFFECTIVE DATE.**

13 Except as otherwise provided in this Act, this Act and  
14 the amendments made by this Act shall take effect upon  
15 the expiration of the 90-day period which begins on the  
16 date of the enactment of this Act.

17 **SEC. 1204. REGULATIONS.**

18 The Federal Election Commission shall prescribe any  
19 regulations required to carry out this Act and the amend-  
20 ments made by this Act not later than 45 days after the  
21 date of the enactment of this Act.